

**SIXTY-SEVENTH DAY**

(Continued)

(Friday, May 29, 1987)

**AFTER RECESS**

The Senate met at 8:30 a.m. and was called to order by Senator Blake.

**ECONOMIC DEVELOPMENT COMMITTEE****GRANTED PERMISSION TO MEET**

On motion of Senator Harris and by unanimous consent, the Economic Development Committee was granted permission to meet while the Senate was in session.

**REPORTS OF STANDING COMMITTEES**

By unanimous consent, Senator McFarland submitted the following report for the Committee on Criminal Justice:

**H.B. 592****H.B. 717****H.B. 913****H.B. 1078****C.S.H.B. 1191****H.B. 1219****H.B. 1904****C.S.H.B. 1906****H.B. 2158**

By unanimous consent, Senator Brooks submitted the following report for the Committee on Health and Human Services:

**C.S.H.B. 1084****C.S.H.B. 1085**

By unanimous consent, Senator Edwards, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

**C.S.H.C.R. 213**

By unanimous consent, Senator Brooks submitted the following report for the Committee on Health and Human Services:

**H.C.R. 152**

By unanimous consent, Senator Edwards, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

**H.C.R. 202**

By unanimous consent, Senator Brooks submitted the following report for the Committee on Health and Human Services:

**H.B. 2299**

By unanimous consent, Senator Jones submitted the following report for the Committee on Finance:

H.J.R. 60  
H.B. 1744  
H.B. 1237

**MESSAGE FROM THE HOUSE**

House Chamber  
May 29, 1987

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.J.R. 12**, Proposing a constitutional amendment to exempt from ad valorem taxation certain tangible personal property temporarily located in the State. (Amended)

**S.J.R. 53**, Proposing a constitutional amendment to allow the legislature to limit the authority of a governor to fill vacancies in State and district offices if the governor is not reelected.

**S.J.R. 56**, Proposing a constitutional amendment providing for the issuance of general obligation bonds for certain construction projects.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 1424**: Arnold, Chairman; Shelley, Watson, Beauchamp, Watkins.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 323**: T. Smith, C. Evans, Shelley, Yost and C. Harris.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 687**: Toomey, Chairman; Denton, Hinojosa, Hilbert, T. Smith.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 1191**: Riley, Chairman; Saunders, Robnett, C. Johnson and Perry.

The House refused to concur in Senate amendments to **H.B. 1785** and has requested the appointment of a Conference Committee to consider the differences between the two Houses: Williamson, Chairman; R. Smith, Marchant, Earley and C. Johnson.

The House refused to concur in Senate amendments to **H.B. 1387** and has requested the appointment of a Conference Committee to consider the differences between the two Houses: Madla, Chairman; Garcia, G. Luna, Rodriguez and Beauchamp.

The House refused to concur in Senate amendments to **H.B. 1262** and has requested the appointment of a Conference Committee to consider the differences between the two Houses: Saunders, Chairman; Riley, C. Johnson, Agnich and Perry.

The House refused to concur in Senate amendments to **H.B. 923** and has requested the appointment of a Conference Committee to consider the differences between the two Houses: C. Evans, Gavin, Shea, Carter and Guerrero.

The House has concurred in Senate amendments to the following House Bills by a non-record vote:

H.B. 141  
H.B. 287  
H.B. 2011  
H.B. 2250  
H.B. 354

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

The regular order of business having been suspended by Senate Rule 14.1(f), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

**S.R. 624** (Brown) Directing the members of the Senate Natural Resources Committee to initiate an interim study of a statewide artificial reef plan and further study various uses for abandoned oil and gas rigs. (vv)

**S.R. 643** (Farabee) Directing the State Affairs Committee to study the issue of surrogacy contracts and determine the advisability of amending Texas law as it relates to this issue. (vv)

**H.B. 272** (Parker) Relating to a requirement that a state facility report the disappearance of a person receiving mental health or mental retardation services in the facility. (29-1) Washington "Nay" (30-0)

**H.B. 497** (Johnson) Relating to identification cards issued by the Department of Public Safety. (29-1) Washington "Nay" (30-0)

Senator Johnson offered the following committee amendment to the bill.

Amend H.B. 497, on page 2, between lines 2 and 3, by inserting the following:

(e) An individual, corporation, or association may not deny a person access to goods, services, or facilities, except in regard to the operation of a motor vehicle, on the ground that the person holds a personal identification card rather than a driver's license or permit.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Johnson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**C.S.H.B. 538** (Sims) Relating to the indexing and use of photographs and fingerprints of missing juveniles. (29-1) Washington "Nay" (30-0)

**H.B. 543** (Tejeda) Relating to eligibility requirements for election clerks. (29-1) Washington "Nay" (30-0)

**H.B. 573** (Tejeda) Relating to suspension of the running of a statute of limitations because of a person's imprisonment. (29-1) Washington "Nay" (30-0)

Senator Tejeda offered the following committee amendment to the bill:

Amend **H.B. 573** by deleting SECTION 1. Section 16.0001 (a)(2), and inserting, in lieu thereof, the following:

(2) Imprisoned, except with respect to a cause of action for an alleged violation of the civil rights of a person alleged to have occurred during the period of incarceration of such person; or

(3) of unsound mind.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Tejeda and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 629** (Santiesteban) Relating to the establishment of a student union fee at The University of Texas at El Paso. (29-1) Washington "Nay" (30-0)

**H.B. 647** (Uribe) Relating to the punishment for the operation of certain overweight vehicles. (29-1) Washington "Nay" (30-0)

**C.S.H.B. 705** (Henderson) Relating to the manufacture, sale, or possession of a document that is deceptively similar to a driver's license or certificate issued by the Department of Public Safety; providing criminal penalties. (29-1) Washington "Nay" (30-0)

**C.S.H.B. 742** (Edwards) Relating to the regulation of credit services organizations; providing penalties. (29-1) Washington "Nay" (30-0)

**H.B. 750** (Caperton) Relating to the requirements for certain telecommunications. (29-1) Washington "Nay" (30-0)

**C.S.H.B. 957** (Edwards) Relating to the appointment and certification of private university adjunct police officers, their duties and powers, the scope of their employment liability for their acts and omissions. (29-1) Washington "Nay" (30-0)

**C.S.H.B. 1006** (Johnson) Relating to the establishment of cemeteries and local perpetual care cemetery advisory boards, to perpetual care cemetery standards adopted by local governments, and to the approval of condemnation proceedings brought by cemetery associations; providing a penalty. (29-1) Washington "Nay" (30-0)

**C.S.H.B. 1032** (Harris) Relating to liability insurance limits for certain amusement rides and attractions. (29-1) Washington "Nay" (30-0)

**H.B. 1123** (Harris) Relating to a limousine service alcoholic beverage permit. (29-1) Washington "Nay" (30-0)

**H.B. 1150** (Green) Relating to duties and powers of district clerks. (29-1) Washington "Nay" (30-0)

**H.B. 1217** (Parker) Relating to the certification of teachers from other states. (29-1) Washington "Nay" (30-0)

**H.B. 1271** (Krier) Relating to hours and days of work for employees of higher education. (29-1) Washington "Nay" (30-0)

**H.B. 1469** (Brooks) Relating to the validation of certain acts of a hospital facilities development corporation. (29-1) Washington "Nay" (30-0)

**H.B. 1483** (Green) Relating to the destruction of criminal history information obtained by institutions of higher education when filling security-sensitive positions. (29-1) Washington "Nay" (30-0)

**H.B. 1564** (Caperton) Relating to the use of funds contributed by or for a participant in the optional retirement program for faculty members of State institutions of higher education. (29-1) Washington "Nay" (30-0)

**H.B. 1582** (Brown) Relating to policies and audits of certain water districts and authorities. (29-1) Washington "Nay" (30-0)

**H.B. 1596** (Armbrister) Relating to the authority of the State Purchasing and General Services Commission to bill directly for services provided to other agencies. (29-1) Washington "Nay" (30-0)

**H.B. 1608** (Armbrister) Relating to reports filed by specific purpose political committees. (29-1) Washington "Nay" (30-0)

**H.B. 1619** (Parker) Relating to in-service training for public school teachers. (29-1) Washington "Nay" (30-0)

**H.B. 1646** (Uribe) Relating to the regulation of overweight, overlength, or oversized vehicles; providing a criminal penalty. (29-1) Washington "Nay" (30-0)

**H.B. 1742** (Glasgow) Relating to the investigation of anonymous reports of child abuse. (29-1) Washington "Nay" (30-0)

**H.B. 1805** (Washington) Relating to signs posted in food service establishments depicting the Heimlich maneuver to dislodge food from a choking person. (29-1) Washington "Nay" (30-0)

**H.B. 1839** (Santiesteban) Relating to the Franklin Mountains State Park. (29-1) Washington "Nay" (30-0)

**H.B. 1853** (Edwards) Relating to the filing deadline for an independent candidate's application for a place on the ballot in the general election for State and county officers. (29-1) Washington "Nay" (30-0)

**H.B. 1854** (Edwards) Relating to the processing of the results of an election in which a voting system is used. (29-1) Washington "Nay" (30-0)

**H.B. 1855** (Brown) Relating to the qualifications of central counting station personnel in elections using electronic voting systems. (29-1) Washington "Nay" (30-0)

**H.B. 1947** (Harris) Relating to modification, extension, amendment, restatement, and scheduling of terms and conditions of a secondary mortgage loan and to certain charges for insurance on such a loan. (29-1) Washington "Nay" (30-0)

Senator Harris offered the following committee amendment to the bill:

Amend **H.B. 1947** as follows:

(1) Add an appropriately numbered section to read as follows:

SECTION . Article 9, Chapter II, The Texas Banking Code of 1943, as amended (Article 342-209, Vernon's Texas Civil Statutes), is amended to read as follows:

Art. 342-209. Call Statements—Filing—Publication—Posting —Penalty.  
The Commissioner shall call upon each state bank four times each year to make and publish a statement of its financial condition as of the close of business on a date specified in such call. Such statements shall be on such form and reflect such information as may be prescribed by the Commissioner. Such statement shall be published within the time specified in the call in some newspaper of general circulation published in the county of the bank's domicile, or if no such newspaper

is published in said county, then in a newspaper of general circulation published in an adjacent county, and a publisher's certificate reflecting such publication shall be filed with the Commissioner within the time specified in the call. A copy of the latest called statement shall be kept posted in the lobby of the banking house and each branch at a point accessible to the public. A financial activity report shall be prepared and published for each bank which has been converted into a branch pursuant to Subsection (c), Section 1, Article 3, Chapter IX, of this code (Article 342-903, Vernon's Texas Civil Statutes). The reporting and publication requirements shall be set by rule by the Commissioner. Any state bank which fails to publish such statement or to file such publisher's certificate, within the periods herein prescribed in the call, or to post such notice, shall be subject to a penalty not exceeding Five Hundred Dollars (\$500.00) to be collected by suit by the Attorney General on behalf of the Commissioner.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 1950** (Parmer) Relating to the authority of the Lubbock County Hospital District to establish medical and other health facilities. (28-2) Washington "Nay", Montford "Present-not voting" (29-1) Montford "Present-not voting"

**H.B. 1956** (Parmer) Relating to the requirements for a petition filed in connection with a candidate's application for a place on the ballot. (29-1) Washington "Nay" (30-0)

**H.B. 1987** (Edwards) Relating to assistance for the creation and operation of shared foreign sales corporations for the benefit of certain State businesses. (29-1) Washington "Nay" (30-0)

**H.B. 1989** (Brown) Relating to the offense of intentionally altering or obscuring motor vehicle license plates. (29-1) Washington "Nay" (30-0)

**H.B. 1994** (Brooks) Relating to access to confidential information contained in birth records and indexes maintained by the Texas Department of Health and local registrars of births. (29-1) Washington "Nay" (30-0)

**H.B. 2014** (Caperton) Relating to funding of ridesharing activities by the State Highway and Public Transportation Commission. (29-1) Washington "Nay" (30-0)

**H.B. 2030** (Brooks) Relating to cash management financing for hospital facilities. (29-1) Washington "Nay" (30-0)

**H.B. 2045** (Blake) Relating to exemptions to financial responsibility requirements for certain herbicide applicators. (29-1) Washington "Nay" (30-0)

**H.B. 2051** (Parmer) Relating to the management of municipal solid waste and to local and regional solid waste management plans. (29-1) Washington "Nay" (30-0)

**H.B. 2125** (Brooks) Relating to the authority of counties and public health districts to regulate food service establishments and retail food stores; providing criminal penalties. (29-1) Washington "Nay" (30-0)

Senator Brooks offered the following committee amendment to the bill:

Amend **H.B. 2125** on page 1, between lines 19 and 20, by inserting the following:

"(c) This Act does not limit or restrict the authority of a municipality that is a member of a public health district to adopt ordinances or administer a permit

system concerning food service establishments, retail food stores, mobile food units, and roadside food vendors.”

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 2171** (Whitmire) Relating to the compensation of the judges of the county civil courts at law in certain counties. (28-2) Washington, Glasgow “Nay” (29-1) Glasgow “Nay”

**H.B. 2197** (Jones) Relating to the repeal of State regulation of certain labor agents. (29-1) Washington “Nay” (30-0)

**H.B. 2216** (Caperton) Relating to the administration and distribution of money appropriated from the public transportation fund. (29-1) Washington “Nay” (30-0)

**H.B. 2274** (Sarpalius) Relating to the County Court at Law of Moore County. (29-1) Washington “Nay” (30-0)

**H.B. 2276** (Edwards) Relating to the number of signatures required for certain candidates’ petitions filed in lieu of a filing fee. (29-1) Washington “Nay” (30-0)

**H.B. 2297** (Uribe) Relating to amending the annual reporting date in the Tax Increment Financing Act to 90 days after the fiscal year end. (29-1) Washington “Nay” (30-0)

Senator Uribe offered the following committee amendment to the bill:

Amend **H.B. 2297** by inserting the following new Section 2 and renumbering the existing Section 2 to Section 3:

**SECTION 2.** Art. 1066e, The Tax Increment Financing Act, shall be amended by amending Section 9(3) to read as follows:

**Sec. 9.** A city or town may exercise any power necessary and convenient to carry out this Act, including the power to:

(3) acquire real property by purchase, condemnation, or other means to implement project plans and sell such property upon such terms and conditions and in such a manner as it may deem advisable notwithstanding any law or charter provision to the contrary;

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 2316** (Whitmire) Relating to a standardized grievance procedure for certain employees of certain counties and political subdivisions. (29-1) Washington “Nay” (30-0)

**H.B. 2364** (Lyon) Relating to the form of the ballot in certain elections. (29-1) Washington “Nay” (30-0)

**H.B. 2370** (Edwards) Relating to the disposition of the precinct convention records of a political party. (29-1) Washington “Nay” (30-0)

**H.B. 2371** (Edwards) Relating to the disposition of a poll list. (29-1) Washington “Nay” (30-0)

**H.B. 2481** (Farabee) Relating to exclusion of, and removal and disposal of the property of, a commercial tenant by a landlord. (29-1) Washington “Nay” (30-0)

**H.B. 2486** (Caperton) Relating to receivership for local religious congregations. (29-1) Washington "Nay" (30-0)

**H.B. 2567** (Parmer) Relating to the municipal courts of record in Fort Worth. (29-1) Washington "Nay" (30-0)

**H.B. 2575** (Glasgow) Relating to an affirmative defense to the offense of indecency with a child. (29-1) Washington "Nay" (30-0)

**H.B. 2576** (Glasgow) Relating to the offense of sexual assault involving sexual contact with a child. (29-1) Washington "Nay" (30-0)

**H.B. 2584** (Brown) Relating to the codification of the laws relating to certain courts, agencies, and other entities. (29-1) Washington "Nay" (30-0)

Senator Brown offered the following committee amendment to the bill:

Amend **H.B. 2584** by adding a new Section 2 to read as follows and renumbering subsequent sections appropriately:

"SECTION 2. Any rule or regulation promulgated by a regulatory authority of this State and adopted by such agency prior to the passage of **S.B. 895**, Acts of the 70th Legislature, 1987, but which has an effective date subsequent to June 1, 1987, shall not be affected by such legislation, and is hereby validated and codified as of the effective date of this Act."

On motion of Senator Brown and by unanimous consent, the committee amendment was tabled.

**H.B. 2585** (Sims) Relating to the Reagan Hospital District of Reagan County. (29-1) Washington "Nay" (30-0)

**H.B. 2586** (Armbrister) Relating to the jurisdiction of the County Court at Law No. 1 of Calhoun County. (29-1) Washington "Nay" (30-0)

**H.B. 2587** (Sims) Relating to the creation, administration, powers, eminent domain powers, duties, operations, fiscal procedures, and taxing authority of the Sterling County Underground Water Conservation District. (29-1) Washington "Nay" (30-0)

**H.B. 2591** (Uribe) Relating to a security interest in oil or gas production. (29-1) Washington "Nay" (30-0)

**H.B. 2594** (Henderson) Relating to the alteration and redefinition of the boundaries of Harris County Municipal Utility District No. 77. (29-1) Washington "Nay" (30-0)

**H.B. 2597** (Henderson) Relating to creation of a Texas Center for Superconductivity at the University of Houston-University Park. (29-1) Washington "Nay" (30-0)

**H.B. 2598** (Zaffirini) Relating to the creation, administration, powers, duties, operation, and financing of the Bee County Hospital District; granting the power of eminent domain; providing for the issuance of bonds and the levy of taxes. (29-1) Washington "Nay" (30-0)

**H.B. 2602** (Blake) Relating to the membership of the Angelina County Juvenile Board and the compensation provided to the members. (29-1) Washington "Nay" (30-0)

**H.B. 2604** (Anderson) Relating to preferences of hearings and trials in the trial courts of this State. (29-1) Washington "Nay" (30-0)



**H.B. 2608** (Sims) Relating to the dismissal of certain misdemeanor charges on completion of a teen court program. (29-1) Washington "Nay" (30-0)

**H.C.R. 93** (Green) Requesting Congress to define clearly the U.S. Coast Guard jurisdiction over control of air emissions from marine vessels. (vv)

**C.S.H.C.R. 107** (Parker) Creating the Special Committee on Post-Secondary Medical and Allied Health Education. (vv)

**C.S.H.C.R. 110** (Farabee) Granting the Committee on Substance Abuse Treatment Delivery and extension of time to continue its work. (vv)

**C.S.H.C.R. 165** (Brooks) Creating a select joint committee to study the administration of State health and human services. (vv)

**H.C.R. 168** (Zaffirini) Directing the Central Education Agency to develop a program regarding the prevention of youth suicide. (vv)

**H.C.R. 172** (Armbrister) Authorizing the burial of Albert Boyce Harrell in the State Cemetery. (vv)

#### **VOTE ON FINAL PASSAGE OF HOUSE BILL 1564 RECONSIDERED**

On motion of Senator Brooks and by unanimous consent, the vote by which **H.B. 1564** was finally passed was reconsidered.

Question - Shall the bill be finally passed?

#### **VOTE BY WHICH THREE DAY RULE SUSPENDED ON HOUSE BILL 1564 RECONSIDERED**

On motion of Senator Brooks and by unanimous consent, the vote by which the Three-Day Rule on **H.B. 1564** was suspended was reconsidered.

Question - Shall the Three-Day Rule be suspended?

#### **VOTE BY WHICH HOUSE BILL 1564 PASSED TO THIRD READING RECONSIDERED**

On motion of Senator Brooks and by unanimous consent, the vote by which **H.B. 1564** was passed to third reading was reconsidered.

Question - Shall the bill be passed to third reading?

#### **VOTE BY WHICH REGULAR ORDER WAS SUSPENDED ON HOUSE BILL 1564 WAS RECONSIDERED**

On motion of Senator Brooks and by unanimous consent, the vote by which the regular order was suspended on **H.B. 1564** reconsidered.

Question - Shall the regular order be suspended?

#### **BILLS REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR**

<u>Number</u>	<u>Senators Removing</u>
<b>H.B. 812</b>	Henderson, Edwards
<b>H.B. 1818</b>	Edwards, Blake
<b>H.B. 1937</b>	Edwards, Blake
<b>H.B. 2556</b>	Armbrister, McFarland

<b>H.B. 2571</b>	Armbrister, McFarland
<b>H.B. 1459</b>	Edwards, Farabee
<b>H.B. 1851</b>	Washington, Blake
<b>H.B. 1852</b>	Washington, Blake
<b>H.B. 1857</b>	Washington, Blake
<b>H.B. 1858</b>	Washington, Blake
<b>H.B. 1861</b>	Washington, Blake

#### **CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

#### **ADJOURNMENT**

Senator Blake announced at 9:24 a.m. that the Senate would stand adjourned until 10:00 a.m. today in accordance with a motion previously adopted by the Senate.

#### **APPENDIX**

Sent to Secretary of State  
(May 28, 1987)

**S.J.R. 34**

Sent to Governor (May 28, 1987)

**S.B. 17**  
**S.B. 336**  
**S.B. 341**  
**S.B. 402**  
**S.B. 444**  
**S.B. 595**  
**S.B. 669**  
**S.B. 817**  
**S.B. 988**  
**S.B. 1348**  
**S.B. 199**

Signed by Governor (May 27, 1987)

**S.B. 349** (Effective August 31, 1987)  
**S.B. 840** (Effective immediately)  
**S.B. 888** (Effective September 1, 1987)  
**S.B. 914** (Effective immediately)  
**S.B. 999** (Effective September 1, 1987)  
**S.B. 1206** (Effective immediately)  
**S.B. 1375** (Effective September 1, 1987)  
**S.B. 1374** (Effective immediately)  
**S.B. 1322** (Effective September 1, 1987)  
**S.B. 826** (Effective September 1, 1987)  
**S.B. 827** (Effective September 1, 1987)  
**H.B. 1551** (Effective September 1, 1987)  
**H.B. 758** (Effective immediately)  
**H.B. 591** (Effective immediately)  
**S.C.R. 119**  
**S.C.R. 85**